

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SOFIENE ROMDHANI, MICHELLE
MALONEY, and BOBBI JOE ZELLER,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,

Defendant.

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) Civil Action No. 07-00715 (JJF)
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**DEFENDANT EXXON MOBIL CORPORATION'S CONSENT MOTION FOR
ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, Defendant Exxon Mobil Corporation hereby files this motion to extend until September 10, 2008 the time by which it must answer or otherwise respond to Plaintiffs' Second Amended Complaint. Plaintiffs have consented to this motion. A proposed order is attached to this motion.

REASONS FOR THE MOTION

1. Plaintiffs filed an Unopposed Motion for Leave to File a Second Amended Complaint on August 7, 2008. This Court granted the motion on August 13, 2008 and the Second Amended Complaint was entered in the Docket on August 14, 2008. Defendant currently has 10 days from August 14, 2008 to answer or otherwise respond to the Second Amended Complaint under Rule 15(a)(3) of the Federal Rules of Civil Procedure.

2. Both attorneys Joe Robert Caldwell and Rachel M. McKenzie are currently on travel and unable to assist in preparing an Answer to the Second Amended Complaint. Additionally, the Second Amended Complaint itself contains extensive factual allegations and

six separate counts. Accordingly, Defendant requests that its time to answer the Second Complaint be extended until September 10, 2008.

3. Plaintiffs' counsel has consented to the motion.

4. This is Defendants' first Motion for an Enlargement of Time in response to the Second Amended Complaint.¹

5. The request for an extension is not lengthy and neither prejudices the Plaintiffs nor adversely affects these proceedings. *See De La Pena v. Hill-Rom Co., Inc.*, 2004 WL 2538472, at *3 (W.D. Tex. Nov. 10, 2004) (citing *Lacy v. Sitel Corp.*, 227 F.3d 290, 293 (5th Cir. 2000)).

6. Defendant makes this request without waiving any defenses or objections, including defenses and objections under Rule 12 of the Federal Rules of Civil Procedure

WHEREFORE, Defendant Exxon Mobil Corporation respectfully requests that the Court extend the time by which it must answer or otherwise respond to Plaintiffs' Second Amended Complaint until September 10, 2008.

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Dated: August 21, 2008
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¹ On December 4, 2007, Defendant filed a Motion for an Enlargement of Time in response to the original Complaint because Defendants did not receive actual service of the Complaint and Summons until after its time to Answer had expired. That motion was granted by the Court on December 5, 2007.

CERTIFICATE OF SERVICE

I hereby certify this 21st day of August, 2008 that the foregoing was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following counsel of record that the document is available for viewing and downloading from CM/ECF:

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PROPOSED ORDER

The Court having considered Defendant Exxon Mobil Corporation's Consent Motion for Enlargement of Time to Answer or Otherwise Respond to Plaintiffs' Second Amended Complaint, it is hereby **ORDERED** that the Motion is **GRANTED**, and that Defendant has until September 10, 2008 to answer or otherwise respond to the Second Amended Complaint.

SO ORDERED, this ____ day of August, 2008.

Joseph J. Farnan, Jr.
United States District Judge